

# **EXHIBIT B**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

PAMELA S. SILVEY AND :  
KENNETH E. SILVEY, :  
PLAINTIFFS, :  
-VS- : CASE NO. C-1-01-164  
SMITHKLINE BEECHAM :  
CORPORATION, :  
DEFENDANT. :

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE PHENYLPROPANOLAMINE (PPA) :  
PRODUCTS LIABILITY LITIGATION : MDL NO. 1407

Deposition of PAMELA SUE SILVEY, a  
plaintiff herein, taken by the defendant as upon  
cross-examination pursuant to the Federal Rules of  
Civil Procedure and pursuant to Notice to Take  
Deposition and stipulations hereinafter set forth

SPANGLER REPORTING SERVICES, INC.

PHONE (513) 381-3330 FAX (513) 381-3342

1 at the offices of Lopez, Hodes, Restaino, Millman  
2 & Skikos, 312 Walnut Street, Suite 2090,  
3 Cincinnati, Ohio, at 12:42 p.m. on Wednesday,  
4 December 18, 2002, before Lois A. Roell, RMR, a  
5 notary public within and for the State of  
6 Kentucky, and also by audiovisual means before  
7 Susan M. Sharp.

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1 APPEARANCES:

2 On behalf of the Plaintiffs:

3 Calvin S. Tregre, Jr., Esq.

4 of

5 Lopez, Hodes, Restaino, Millman & Skikos

6 312 Walnut Street, Suite 2090

7 Cincinnati, Ohio 45202

8 On behalf of the Defendant:

9 Edward E. Taber, Esq.

10 of

11 Arter & Hadden, LLP

12 1100 Huntington Building

13 925 Euclid Avenue

14 Cleveland, Ohio 44115-1475

15 - - -

16 S T I P U L A T I O N S

17 It is stipulated by and between counsel  
18 for the respective parties that the deposition of  
19 PAMELA SUE SILVEY, a plaintiff herein, may be  
20 taken as upon cross-examination pursuant to the  
21 Federal Rules of Civil Procedure and pursuant to  
22 Notice to Take Deposition; that the deposition may  
23 be taken by audiovisual means by the videographer  
24 and in stenotypy by the notary public-court

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1 reporter and transcribed by her out of the  
 2 presence of the witness; that the jurisdiction of  
 3 the notary public is waived; that the transcribed  
 4 deposition is to be submitted to the witness for  
 5 her examination and signature, and that signature  
 6 may be affixed out of the presence of the notary  
 7 public-court reporter.

8 - - -

9 I N D E X

10 WITNESS CROSS-EXAMINATION EXAMINATION

11 Pamela Sue Silvey 7 315

12 - - -

13 E X H I B I T S

14 DEFENDANT'S EXHIBITS MARKED

15 No. 1, a 9-page document, the first page 10

16 a letter to Janet G. Abaray from

17 Edward E. Taber dated November 26, 2002,

18 with attached Notice of Discovery

19 Deposition Duces Tecum of Pamela S.

20 Silvey and Kenneth Silvey.

21 No. 2, a multi-page document entitled 24

22 "Plaintiff's Fact Sheet."

23 No. 3, a letter to Bill Edge from Hal R. 59

24 Arenstein dated April 18, 1996.

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1 A. Yes.

2 Q. All right. What all have you given  
3 to them?

4 A. A copy of the medical bills, you  
5 know, they got that from the hospital.

6 Q. All right.

7 A. The only letter that I received from  
8 the study.

9 Q. Is that from Dr. Broderick's study?

10 A. Uh-huh. I didn't know I was in that  
11 study.

12 Q. You do remember filling out a  
13 consent form for that study in '98, don't you?

14 A. No.

15 Q. All right. We'll go into that a  
16 little bit later because I do have copies of that  
17 for you to review. What did the letter say? I  
18 think the study had to do with genetic  
19 predisposition to stroke and/or hypertension; is  
20 that true?

21 MR. TREGRE: Objection.

22 A. They wanted to let me know that I  
23 was in the study and thanked me for being in it.

24 Q. All right. And what else did that

1 say?

2 A. That they had linked, you know, PPA  
3 to hemorrhagic strokes.

4 Q. The study related to PPA?

5 A. Uh-huh.

6 Q. When I said Dr. Broderick, that was  
7 a separate study that I was referencing. Is  
8 Dr. Broderick the study that you're thinking  
9 about?

10 A. Uh-huh. It was from the University  
11 Hospital.

12 Q. All right. When did you receive  
13 this letter?

14 A. I think it was October of 2000.

15 Q. And was this a one-page document?

16 A. It was like a page and just a  
17 paragraph.

18 Q. Did it say any other link that they  
19 suspected in there to your stroke, such as the  
20 genetic marker that they were studying?

21 A. Huh-uh.

22 MR. TABER: All right. Calvin, do  
23 you know if you have a copy of that letter?

24 MR. TREGRE: Honestly, I don't.

1 connect it with anything.

2 Q. Did you connect it before that  
3 possibly with anything that would not have given  
4 you any ability to file a lawsuit?

5 MR. TREGRE: Objection.

6 A. No.

7 Q. Did you ever have an understanding  
8 before November of 2000 of what may have led to  
9 your stroke?

10 A. No.

11 Q. You had no idea?

12 A. (Shaking head.)

13 MR. TREGRE: Objection.

14 A. No.

15 Q. And how -- After you got the letter,  
16 tell me what your thoughts were and what you did.

17 MR. TREGRE: Objection.

18 A. Well, after I got the letter, you  
19 know, I discussed it with my husband, and that's  
20 when I called a lawyer.

21 Q. And was Calvin's firm, the Lopez  
22 firm, the first firm that you called?

23 A. Yes.

24 Q. How do you get their name?



1 A. Well, I called -- I think it was on  
2 TV.

3 Q. There was a television ad for their  
4 firm that you got the phone number from?

5 A. Yes.

6 Q. Did the ad have anything to do with  
7 PPA or was it just generically the firm?

8 A. No, it was a PPA litigation.

9 Q. Did the ad say that if you've had a  
10 stroke, something of that nature?

11 A. Yes.

12 Q. And you had received the letter  
13 before the time you saw that?

14 A. Yes.

15 Q. When did you first come to hear  
16 about PPA?

17 A. When I got the letter in the mail  
18 about the study.

19 Q. Well, did you fill out a  
20 questionnaire for the study before you got the  
21 letter?

22 A. No.

23 Q. How did someone in the letter know  
24 that you had taken PPA?

1 A. No, I do not.

2 Q. Did you ever talk to your husband  
3 before November of 2000 about this study or  
4 anything relative to this study?

5 A. I didn't even know anything about  
6 this study. Because he said that he thought it  
7 was people, you know, from Good Samaritan. He  
8 didn't know where they was from. Maybe I signed  
9 this and don't even remember it.

10 Q. Well, what do you remember before  
11 November of 2000 about what had been, what study  
12 you had been involved in?

13 MR. TREGRE: Objection.

14 Q. If anything?

15 A. Nothing. Because, you know, when I  
16 got that letter, you know, thanking me for being  
17 in this study, I wanted to know what study.

18 Q. All right. In the study it  
19 references a questionnaire, it says you will be  
20 asked to fill out a questionnaire. Do you ever  
21 remember filling out such a questionnaire?

22 MR. TREGRE: Objection.

23 A. No.

24 Q. Did you ever see any -- When do you

1 think you saw the ad for the Lopez firm that  
2 discussed PPA litigation?

3 MR. TREGRE: Objection.

4 A. That was after I received the  
5 letter.

6 Q. All right. Had you ever heard about  
7 PPA, whether it be newspaper articles like you  
8 discussed before, other TV, or discussions with  
9 any physicians before November of 2000?

10 MR. TREGRE: Objection.

11 A. No.

12 Q. Had you ever discussed the cause of  
13 your stroke with Dr. VanLoveren?

14 A. No.

15 Q. Had you ever discussed the possible  
16 causes of your stroke with any doctor before  
17 November of 2000?

18 A. No.

19 Q. Had you ever asked what caused you  
20 to have a stroke?

21 A. They said maybe I was just born  
22 with, you know, an aneurysm.

23 Q. Who told you that?

24 A. Dr. Sway.

1           A.     Well, I wanted to get something  
2 stronger because I was up for suspension again  
3 for, you know, absenteeism, and I'd already used  
4 one E day, and I didn't want to use -- you know, E  
5 days is vacation days you can call in for, and I  
6 didn't want to use all my vacation days for being  
7 sick. So I thought, well, I'm going to get  
8 something a little bit stronger, and I seen that,  
9 and so I bought that, and I thought, oh, that will  
10 knock it out.

11           Q.     Are you claiming that you took a  
12 maximum strength one or -- if you didn't, that's  
13 fine.

14                     MR. TREGRE: Objection.

15           A.     Just a Contac 12-Hour.

16           Q.     What did you do with the package?

17           A.     Because I know my mom wanted some of  
18 them, and right after I got out of the hospital, I  
19 gave them to my mom, and she took them.

20           Q.     Let's take you back to your  
21 purchase, and as I understand it from your PFS,  
22 you bought these on January 13th of '98?

23           A.     Yes.

24                     MR. TABER: Let's go off the record

1 Q. Did you consider any other  
2 medications or over-the-counter products before  
3 you bought that Contac?

4 A. Just Tylenol Cold.

5 Q. Tylenol?

6 A. Cold.

7 Q. Cold, okay. You had taken Tylenol  
8 in the past?

9 A. Yes.

10 Q. Why did you pick Contac instead of  
11 Tylenol?

12 A. I don't know. Seemed like, you  
13 know, it was a better choice. It had more, you  
14 know, it took care of more stuff.

15 Q. Did you read --

16 A. More symptoms.

17 Q. Did you read the labels then?

18 MR. TREGRE: Objection.

19 Q. At least on the front of the box?

20 A. Just on the front of the box.

21 Q. What the symptoms were. Did you  
22 read the warning labels on the box before you took  
23 the medication?

24 MR. TREGRE: Objection.

1 A. No.

2 Q. I didn't hear your answer.

3 A. The only thing I ever looked for  
4 ingredients, you know, on anything is aspirin  
5 because I'm allergic to aspirin.

6 Q. I didn't hear your answer, did you  
7 or did you not read the warning labels on the  
8 Contac that you took in January of '98?

9 A. No, because there wasn't, you know,  
10 I know I don't have high blood pressure or  
11 anything like that, so I never did read it.

12 Q. Why do you believe that that was --  
13 well, you believe it was Contac?

14 A. Yes.

15 Q. And I assume that's why you believe  
16 it was a PPA product?

17 A. (Nodding head.)

18 MR. TREGRE: Objection.

19 A. Yes.

20 Q. Okay. Did you buy a -- Did you buy  
21 it at the pharmacy counter or the regular aisle?

22 A. Just the regular aisle.

23 Q. Did you buy anything else that day?

24 A. Some orange juice.

1 that would --

2 MR. TREGRE: Objection again.

3 A. Nothing that I can think of.

4 Q. Do you have any other knowledge or  
5 receipt or somebody you talked to or, other than  
6 your lawyers obviously, that would be able to  
7 confirm that you actually took this Contac  
8 12-Hour?

9 A. Other than my mother.

10 Q. I'm sorry?

11 A. Other than my mother.

12 Q. What, as far as you know, what would  
13 she be able to tell us?

14 A. You know, I talked to her that night  
15 and I told her I had stopped at the store because  
16 she said what are you taking for it, and I said,  
17 well, I stopped and got some orange juice and I  
18 stopped and got some Contac 12-Hour, and she asked  
19 me, you know, could she get a couple of them  
20 because she was feeling bad, and I told her I  
21 would bring her some over when I got time and felt  
22 better.

23 Q. Did you do that then or then you had  
24 your stroke before you could do that?

1           A.    I had my stroke before I could do  
2   that.

3           Q.    So you spoke with your mom on  
4   January 13th, that night?

5           A.    Yes.

6           Q.    Do you have a specific memory of  
7   that phone call or any memory?

8           A.    Yes, I remember that.

9           Q.    Did you call her just to tell her  
10   you were ill or just to talk?

11          A.    Just to talk, because we talked  
12   every night.

13          Q.    All right. Is that all you can  
14   remember from that phone call with your mother,  
15   that she said I'll have some of that too and you  
16   felt ill?

17          A.    Yes.

18          Q.    She felt ill also?

19          A.    Yes. She said she was feeling bad.

20          Q.    Okay. When did she dispose of the  
21   last remnants of the Contac?

22          A.    I have no idea.

23          Q.    Do you know if she saved any part of  
24   the box, the package insert, any of the foil



1 containers or whatever it's contained inside?

2 A. No, I don't think she did.

3 Q. Okay. Let's talk a little bit more  
4 about the product. How was it packaged?

5 A. In a little pop-out cellophane  
6 things with the aluminum on the back.

7 Q. With the what?

8 A. With the aluminum foil like on the  
9 back that you can pop them out.

10 Q. How many of them did you take that  
11 first day on the 13th?

12 A. Just one.

13 Q. And did you take a certain amount  
14 because that's what the package said to take or  
15 you had taken it before and you knew?

16 A. That's what the package said, one.

17 Q. Said take one every 12 hours?

18 A. Yes, one every 12 hours.

19 Q. So you took one that night and went  
20 to bed?

21 A. Yes.

22 Q. Tell me again the color of the  
23 labeling of the package.

24 A. It was dark blue, I remember the

1 yellow writing and some orange writing.

2 Q. Okay. Any other colors that you  
3 remember?

4 A. White.

5 Q. I'm sorry?

6 A. I think the Contac was in white.

7 Q. The Contac was in white, okay. Any  
8 other colors you can remember; was blue the  
9 background color and the letters were white?

10 A. Yes. Just like a dark blue.

11 Q. Dark blue background and white  
12 letters. What was yellow?

13 A. Some of the words was yellow or  
14 there was a line in yellow, something on it was  
15 yellow. I remember the yellow.

16 Q. All right. Is it possible for you  
17 to separate your memory of Contac products you've  
18 seen since that from the Contac you bought on the  
19 13th or that you may have bought before or is it  
20 all kind of blurred to you?

21 A. Kind of blurred together.

22 Q. All right. What writing was on the  
23 package that you can remember? Are you sure it  
24 said Contac?

1 confirm it, then that's what she can say, that I  
2 can't confirm it

3 BY MR. TABER:

4 Q. I need to know one way or another.  
5 If you are sure, tell me you're sure; if you're  
6 not sure, tell us you're not sure.

7 A. I'm not sure.

8 Q. I'm sorry?

9 A. I'm not sure.

10 Q. You're not sure of what?

11 A. It looks more like this one, but  
12 that's a caplet. It was a capsule.

13 Q. Which one are you pointing to? If  
14 you could read the bates number in the lower  
15 right-hand corner.

16 A. GSKP01071461.

17 Q. All right. Now -- so you're sure  
18 you didn't take the other six that are in front of  
19 you?

20 MR. TRECREE: Objection.

21 Q. And please, if that's true, I don't  
22 want to put words in your mouth, but if that's  
23 true, tell us that's true. If it's not --

24 A. I'm not sure.

1 Q. Just the best of your memory is all  
2 I ask.

3 MR. TREGRE: She's answered the  
4 question.

5 MR. TABER: It's kind of an  
6 important question.

7 MR. TREGRE: I realize that, and  
8 she's answered it more than once.

9 MR. TABER: Well, this is a  
10 different question.

11 BY MR. TABER:

12 Q. Can you say for sure if you took any  
13 of these?

14 A. It was a capsule, not a caplet.

15 Q. So can we confirm then, I'll ask it  
16 again, please, you're under oath to give me a  
17 response, can we confirm then that you've taken  
18 none of the products that are pictured in front of  
19 you?

20 MR. TREGRE: I'm going to object as  
21 she has answered that question more than once,  
22 more than twice.

23 MR. TABER: This is different.

24 MR. TREGRE: And at this point

1 you're repeating your question and it's borderline  
2 harassment, and if we continue down this line, we  
3 will end this deposition.

4 MR. TABER: If she's not sure,  
5 she's not sure, but I want to know if she's sure.  
6 If she is sure, that's her testimony.

7 BY MR. TABER:

8 Q. Which is it, ma'am? With all due  
9 respect, you do have to answer the question.

10 MR. TREGRE: Objection to you  
11 saying that, you continue to repeat that, and  
12 that's harassment, and I'm going to end this  
13 deposition if you continue doing that.

14 Q. The question is pending. Would you  
15 please answer.

16 MR. TABER: Would you please read  
17 back the question and instruct her to answer.

18 MR. TREGRE: If you're not sure,  
19 that's what you can say.

20 A. I'm not sure.

21 Q. You're not sure of what?

22 A. I'm not sure of which one it is, but  
23 I do know it was a capsule, not a caplet.

24 Q. All right. So these are all

1 smoking after your stroke, right?

2 A. Yes.

3 Q. As of the time of the stroke, in the  
4 PFS you stated that for 21 years you smoked an  
5 average of a pack and a half a day?

6 A. Not starting out. I would say in  
7 the last ten years about a pack and a half.

8 Q. And did you smoke less on the 13th,  
9 14th, or 15th than your usual amount?

10 A. Yes, I did on the 13th and 14th.

11 Q. Less because you felt bad?

12 A. Yes, plus I was coughing so bad, I  
13 couldn't hardly smoke.

14 Q. What kind of cigarettes do you  
15 smoke?

16 A. Kool's Menthol.

17 Q. Is that what you've pretty much  
18 always smoked?

19 A. Yes.

20 Q. You started smoking at the age of  
21 14?

22 A. Yes.

23 Q. Now, how many cigarettes would you  
24 estimate you had on the 13th; if your average is a

1 A. That's true.

2 Q. Do you have any mental problems  
3 or -- that you claim are caused by this stroke?

4 MR. TREGRE: Objection.

5 A. No.

6 Q. I'm sorry?

7 A. No.

8 Q. That will save some time. And did  
9 you ever have any mental or psychiatric or  
10 psychological problems that you attribute to PPA?

11 MR. TREGRE: Objection.

12 A. No.

13 Q. Did anything -- well, did you ever  
14 go to see the study that we talked about, you  
15 don't remember the form, but they sent you a  
16 letter, did you ever actually go anywhere to get  
17 any test done or anything for that?

18 A. No.

19 Q. Did you ever sign a consent form so  
20 they could get your records that you know of?

21 MR. TREGRE: Objection.

22 A. No, not that I know of.

23 Q. You never talked to any of the  
24 people in person at that study?

## C E R T I F I C A T E

STATE OF KENTUCKY :

: SS

STATE AT LARGE :

I, LOIS A. ROELL, RMR, the undersigned, a  
duly qualified and commissioned notary public  
within and for the State of Kentucky, do hereby  
certify that before the giving of her aforesaid  
deposition, the said PAMELA SUE SILVEY was by me  
first duly sworn to tell the truth; the whole  
truth and nothing but the truth; that the  
foregoing is the deposition given at said time and  
place by the said PAMELA SUE SILVEY; that said  
deposition was taken in all respects pursuant to  
Notice to Take Deposition; that said deposition  
was taken by me in stenotypy and transcribed by  
computer-aided transcription under my supervision;  
that the transcribed deposition is to be submitted  
to the witness for her examination and signature;  
that I am neither a relative of nor attorney for  
any of the parties to this cause, nor relative of  
nor employee for any of their counsel, and have no  
interest whatever in the result of the action.

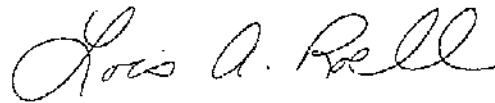
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320

1 IN WITNESS WHEREOF, I hereunto set my  
2 hand and official seal of office at Cincinnati,  
3 Ohio, this 25<sup>th</sup> day of February, 2003.  
4

5  
6 

7 MY COMMISSION EXPIRES: LOIS A. ROELL, RMR  
8 SEPTEMBER 7, 2003. NOTARY PUBLIC-STATE OF  
9 KENTUCKY  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION


PAMELA S. SILVEY and :  
KENNETH E. SILVEY, :  
PLAINTIFFS, :  
-VS- : CASE NO. C-1-01-164  
SMITHKLINE BEECHAM :  
CORPORATION, :  
DEFENDANT. :

Lois A. Roell, RMR, a court reporter,  
first duly cautioned and sworn, testifies and  
affirms that PAMELA SUE SILVEY, a plaintiff  
herein, was notified that the transcript was ready  
for review and signature on January 9, 2003, by  
forwarding a copy of the transcript to Calvin S.  
Tregre, Jr., Esq.


Within thirty-one days (pursuant to Rule  
(30)E of the Federal Rules of Civil Procedure),  
PAMELA SUE SILVEY, a plaintiff herein, did not  
present signature of said deposition.

The original transcript is now being  
tendered into the hands of Edward E. Taber, Esq.

Further affiant sayeth naught.

  
Lois A. Roell, RMR

Sworn to me and subscribed in my presence this  
day of , 2003.

  
Susan M. Sharp  
Notary Public: State of Ohio  
My commission expires:  
08/04/2004

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